

Empathetic Communicator

Neutral Kim Hubbard's mission has been to empower elders.

By Don DeBenedictis

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In her many years as an expert on elder abuse, an attorney and a judge, Kim Hubbard says she always tried to ensure that the people at the center of her cases were free to make their own decisions about their lives.

Elders, Hubbard said, should "have every opportunity to still exercise their will, every opportunity to be out and about."

Everyone wants to have power over their own life, she said. "It doesn't mean that you're rich or famous to be empowered. ... It means that you make your own decisions." But when someone attempts to disempower another person, "that's not something anybody's going to accept gracefully."

Now as a mediator, Hubbard takes a similar approach to reaching settlements. "We find people settle when they do make their own decision. We're here to assist you, not make the decisions."

Litigants often aren't thrilled about having to compromise, she said. "But they decided it themselves, and that makes all the difference."

Hubbard "is really committed to the process of bringing people together through mediation," said trust and probate litigator Harry Wallace of Irvine. She has "a lot of empathy and a lot of ability to communicate in a straightforward, accessible way."

In the trust matter he mediated with her, she never seemed to be "hard balling our client at all," he said. Rather, "she did a very fine job of explaining what the mediation process was and what the client should expect ... and how [she] was going to be a tool to help the client resolve the case," Wallace said. "I just think the world of her."



HUBBARD

San Bernardino attorney Mark McGuire described Hubbard as "a salt-of-the-earth person, knows how to talk to people of all types." He represented one side in an acrimonious dispute between brothers. "She was very good at getting them to understand that their lives would be a lot better if they didn't have to deal with lawyers and judges all the time," he said. "She got them to split the baby."

McGuire said Hubbard is "a very casual mediator, easy to talk to." He added, "She's a lot more lenient as a mediator" than she was as a judge.

Hubbard was born in Albuquerque. When she was 7, her family moved to Orange County, where her father was a real estate broker who bought and sold warehouses and factories across the country. "He once told

me he had 52 different deals going in 53 different cities," she said.

Inspired by a grandfather who was a lawyer, as well as the "Perry Mason" TV show, she earned a law degree from the Irvine University School of Law in 1979. Then, she opened a solo practice handling business matters. After a few years, a friend brought her in-house with Westworld Community Healthcare, which operated hospitals in rural areas. Then in 1988, she moved to Traveler's Insurance Co. working with its health care unit.

When the company moved to Texas in 1990, she stayed in Orange County and joined Pothier & Hinrichs. One partner worked on real estate matters, but Hubbard worked with the other partner, Laura Hinrichs, who handled estate planning and conservatorships. When the firm

dissolved in 1992, she continued to work with Hinrichs, including helping people qualify for Medi-Cal benefits. She also became interested in representing hoarders.

"That's a very, very interesting area," she said.

After a year, Hubbard opened her own office because she had become very interested in elder abuse. By then, she was serving on Orange County's FAST, or Financial Abuse Specialist Team. She took over as its full-time coordinator in 2003. And in 2007, she also became the coordinator of Los Angeles County's FAST.

Those were interdisciplinary teams of lawyers, doctors, bankers, representatives from the public guardian's office and others that would exam cases reported to law enforcement or to adult protective services

Kim Hubbard

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to see if further action should be taken civilly. “What could be done next? Do we need to refer them out? Did we need to call the court? ... Did we need to make them report to the public guardian’s office?”

Although Hubbard was not directly handling cases as an attorney during those years, she was president of the Orange County Bar Association in 2004.

Hubbard also was giving talks across California on prevention of elder abuse and related topics. “We started out so simply and then we realized, wait, these are not simple issues. So that whole area has become quite fascinating.”

She also helped launch the hoarding task force in Orange County and sat on a similar group in L.A. County. And in 2007, she received the Fay Stender Award from California Women Lawyers.

Gov. Arnold Schwarzenegger named Hubbard to the bench in 2008. After about three months handling traffic and small claims, she spent five years hearing family law matters. “I have a lot of respect for both counsel and judges in that area because that law changes every five minutes. And it’s very, very difficult,” she said.

Then in 2013, she was assigned to a probate court, where she stayed for 10 years until her retirement. In that role, she moved elder and dependent abuse restraining orders from the family law courts into probate. While the majority of her probate cases were litigation involving trusts, she also handled conservatorships and cases brought under the Lanterman-Petris-Short Act.

“I sat on all those calendars and always enjoyed them a great deal,” Hubbard said. But she also saw what she described as “discrepancies that were frankly ageist. Remember the road to hell paved with good intentions. Well, the Legislature had good intentions, but it all went to hell.”

Hubbard retired in August 2023 after 15 years on the bench. Soon after, she joined Alternative Resolution Centers as a mediator specializing, of course, in probate and trust cases. She likes ARC because it is minority women-owned and because “they don’t push me to book more and more business. ... They’ve just been absolutely lovely to me.”

She is not particularly interested in hearing arbitrations, which are

uncommon in her field anyway. “I like mediations. I like people,” she said.

Then she joked, “Well, I don’t like a lot of ‘em around me actually. But in theory they’re not bad. No, I like getting problems solved for them so they can move on.”

In addition to mediations, Hubbard lectures regularly around the state on elder abuse, hoarding and related topics.

When she is assigned a mediation matter, she emails the attorneys, introducing herself and asking them for briefs or other material she might need. During the mediation session, she asks the lawyers and parties, “Why are you really here today? What would you like to see happen?” And since her cases generally are trust disputes between family members, “What was the relationship like growing up?”

Irvine trusts attorney Alison Gokal said that Hubbard was compassionate while still utilizing her judicial knowledge and the evidence to come up with creative suggestions for resolution. “She was able to get our client to give up more money than I ever expected,” Gokal said.

Paul Kelly of Long Beach said Hubbard did a good job of grasping the tricky legal issues in the case he mediated with her. Although the case was handled under ARC’s lower cost program for smaller value trust matters, Hubbard extended the mediation over two days without charging for the extra time.

Hubbard said her normal rate is \$650 per hour.

She hears almost all her matters over Zoom. One reason is that she lives in Morongo Valley in San Bernardino County, “off a dirt road ... on 2 acres in what I call the unmanicured desert.”

“We don’t have big flower beds or golf courses. We’ve got just desert.”

Here are some attorneys who have used Hubbard’s services: William D. Carey, Driscoll Anderson Reynard; Alison S. Goka and Harry A. Wallace, Gokal Law Group Inc; Paul R. Kelly, Kelly Law Firm; Mark S. Krause, Copenbarger & Copenbarger LLP; Mark H. McGuire, Fullerton, Lemann, Schaefer & Dominick; Jennifer M. Myers, Perryman Law Firm.

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